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March 9, 2023

VIA ECF

Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

**Re: *Fora Financial Holdings, LLC v. New York Tribeca Group, LLC et al.,*
Case No. 22-cv-8539-JMF; Joint Pretrial Conference Letter**

Dear Judge Furman:

Pursuant to the Civil Case Management Plan and Scheduling Order entered in this action (ECF No. 31, the “Order”), plaintiff Fora Financial Holdings, LLC (“Fora Financial”) and defendant New York Tribeca Group, LLC (“Tribeca,” and collectively, the “Parties”) submit this joint letter (the “Letter”) in advance of the pretrial conference currently scheduled for March 16, 2023. The Parties have met and conferred regarding the items listed in the Order, and hereby submit their joint and respective positions on those items.

1. FOREGOING A PRETRIAL CONFERENCE.

The Parties do not see a need for a pretrial conference. The Parties are extremely close to settling this matter and have exchanged drafts of a settlement agreement. The parties expect to finalize the terms of their settlement shortly and will notify the Court when they have done so. However, the Parties remain available to attend a pretrial conference if the Court intends to conduct one. The Parties are available on the scheduled time and date or at the Court’s convenience the week of March 13, 2023.

2. EXISTING DEADLINES, DUE DATES, AND/OR CUT-OFF DATES.

The fact discovery deadline is March 10, 2023. The expert discovery deadline is April 24, 2023.

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3. OUTSTANDING MOTIONS.

There are no outstanding motions pending.

4. STATUS OF DISCOVERY.

The Parties exchanged document requests and interrogatories. Thereafter, the Parties engaged in extensive settlement negotiations that the Parties expect shortly will result in the resolution of this dispute. The Parties agreed to extend their interim discovery deadlines and would need to complete the remainder of fact discovery if they do not settle.

5. PRIOR SETTLEMENT DISCUSSIONS.

The Parties' counsel have engaged in settlement discussions since mid-January. These discussions have been numerous and include phone calls and emails. On January 27, 2023, the Parties exchanged proposed settlement documents. On February 7, 2023, the Parties conducted a pre-conference call with Magistrate Judge Parker during which the Parties explained their positions and the status of settlement negotiations. Judge Parker directed the Parties to file a status letter on March 9, 2023, providing her with an update on the status of settlement talks. The Parties discussed settlement again in late February and early March. The Parties expect to reach a settlement very shortly and are working on resolving one substantive settlement term.

6. COURT FACILITATION OF SETTLEMENT.

Given how close the Parties are to settlement, the Parties do not believe they will require the Court's assistance in resolving this dispute. The Parties believe they will reach a settlement shortly.

7. ANTICIPATED LENGTH OF TRIAL.

The Parties estimate that the trial would last 4-5 days. The case is not to be tried before a jury.

8. SUMMARY JUDGMENT MOTIONS.

The Parties are aware of the Court's preference to avoid summary judgment practice in non-jury cases. Presently, the Parties do not anticipate filing summary judgment motions. But the Parties reserve the right to seek leave to file such motions upon good cause shown and after additional discovery.

9. ADDITIONAL INFORMATION.

None.

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Respectfully submitted,

s/ Jeffrey S. Kramer

Jeffrey S. Kramer (JK1019)

cc: All Counsel
By ECF